IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY THIRD DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 8490 of 2004

Between:

M/s C.S.R. Builders Pvt. Ltd, Rep. by its Managing Director, B. Chandra Sekhar, G-27, Kushal Towers, Khairatabad, Hyderabad.

..... PETITIONER

AND

1 The Deputy Director of Mines and Geology, Samrat Complex, 2nd floor, Saifabad, Hyderabad.
2 The District Collector, Hyderabad District, Hyderabad.
3 The Revenue Divisional Officer, Hyderabad, Hyderabad District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue a writ of Mandamus or any other appropriate writ, order or direction declaring the Letter No. 4041/Vg/RR/2003 dated 15-4-2004 issued by the 1st respondent as illegal, arbitrary and violative of principles of natural justice and contrary to law and consequently to set aside the same

For the Petitioner: MR.K.CHIDAMBARAM, Advocate.

For the Respondent Nos.1 to 3: GP FOR MINES AND GEOLOGY

The Court made the following:

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ORDER:

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Heard both the learned counsel.

2. At the request of both sides, the main writ petition itself is taken up for disposal at the interlocutory stage.

3. The petitioner, who claims to be a builder, inter alea assails the impugned notice, issued by the 1st respondent, dated 15.04.2004, where under a demand of Rs.95,248/- was made towards Seigniorage fee and penalty.

4. The main grievance of the petitioner is that the impugned demand, made by the 1st respondent is without basis and is illegal.

5. The learned counsel for the petitioner contended that no such demand can be made without properly arriving at figures, for which the petitioner is liable to pay, without giving any prior notice and opportunity to the petitioner.

6. Admittedly, even on reading the impugned proceedings, it is seen that no prior notice or any opportunity is given to the petitioner.

7. In the circumstances, the writ petition is allowed without costs, setting aside the impugned proceedings. It shall be open to the respondents herein to pass fresh orders after giving notice and opportunity to the petitioner. It is needless to mention that the amount deposited by the petitioner in terms of the interim orders granted by this court on 30.04.2004, shall be subject to the final

orders that may be passed by the respondents herein, and in the event of the petitioner is held not liable to pay such amount, the same shall be refunded forthwith to the petitioner.

dsr/skmr

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this the Friday, Twenty Third day of July, Two thousand and four.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Deputy Director of

Mines and Geology, Samrat Complex

2nd floor, Saifabad, Hyderabad.

2. The District Collector,

Hyderabad District, Hyderabad.

3. The Revenue Divisional Officer,

Hyderabad, Hyderabad District

4. Two CCs to the Government Pleader for

[Mines and Geology], High Court Buildings,

Hyderabad[OUT]

5. Two CD copies.